

FILED 1st JUDICIAL DISTRICT COURT
Santa Fe County
1/24/2025 3:49 PM
KATHLEEN VIGIL CLERK OF THE COURT
Monica Chavez Crespín

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT

DAVID RODRIGUEZ,

Plaintiff,

Case assigned to Sanchez-Gagne, Maria

vs.

No. D-101-CV-2025-00227

THOMAS COUGHLAN, Individually and
in his capacity as President of St. Michael's High School,

Defendants.

**COMPLAINT FOR INVASION OF PRIVACY
AND TORTIOUS INTERFERENCE WITH CONTRACT**

COMES NOW Plaintiff DAVID RODRIGUEZ, by and through his attorneys,
JONES, SNEAD, WERTHEIM & CLIFFORD, P.A., and alleges in support of his
Complaint as follows:

Parties, Jurisdiction, and Venue

1. Plaintiff David Rodriguez is a former science teacher and head basketball coach at St. Michael's High School, a private high school in Santa Fe, New Mexico associated with the Lasallian Christian Brothers, a Catholic lay teaching order.
2. St. Michael's High School teaches students from seventh grade through high school.
3. Mr. Rodriguez resides in Santa Fe County, New Mexico.

4. Defendant Thomas Coughlan was, at all material times, the President of St. Michael's High School. As such, he was the executive charged with the hiring, supervision, correction, and termination of teachers and coaches.
5. This Court has jurisdiction over the subject matter and the parties, and venue is proper in the First Judicial District Court, County of Santa Fe.
6. At all material times, Mr. Coughlan acted within the course and scope of his position as President of St. Michael's High School.
7. On January 28, 2022, Mr. Coughlan, as President of St. Michael's High School, sent Mr. Rodriguez a letter placing him on administrative leave with pay pending an investigation of allegations that Mr. Rodriguez had "violated [his] employment contract, school policy, and core principles of our school."
8. That same letter stated that the administrative leave stemmed from allegations of racial bias and discrimination.
9. The January 28, 2022 letter is attached as Exhibit 1 to this complaint and incorporated by reference as if fully set out here.
10. On or about January 28, 2022, Mr. Coughlan published an email blast by MailChimp that stated that the administration was contacted by parents who are concerned "that our school community may not be fully living up" to "Lasallian core values," "among them "respect for all persons" and "inclusive community." The statement went on to say that "some of those concerns relate to alleged incidents within our Varsity Boys Basketball

program.” Mr. Coughlan also posted the letter on the school website. The email blast and web posting is attached here as Exhibit 2 and incorporated by reference as if fully set out here.

11. The statement was published to at least one person other than Mr. Rodriguez.
12. Though the letter stated that Mr. Coughlan as President initiated “an independent investigation” and “is working with students, faculty and staff to determine the facts,” it also stated that Mr. Coughlan as President placed only one person on paid administrative leave—David Rodriguez.
13. Mr. Coughlan stated that he had placed Mr. Rodriguez on administrative leave from both his coaching and teaching duties, though the statement only mentioned alleged incidents in the varsity boys basketball program.
14. Despite claims in the letter that the investigation involved the entire basketball program, it said assistant head coach Gerard Garcia was to become the interim head coach.
15. The letter implied that only Mr. Rodriguez was responsible for verbal abuse and racism in the boys’ basketball program.
16. On or about January 29, 2022, the New Mexican newspaper published an article about Mr. Rodriguez’s suspension.
17. Mr. Coughlan stated, or caused others to state, the following to the New to the New Mexican: “He [Mr. Rodriguez] was placed on leave Jan. 28 after being accused of racial bias and verbal abuse.”

18. Mr. Coughlan also stated, or caused those he directed or supervised to state, that Mr. Rodriguez has been placed on administrative leave “pending the results of an internal investigation in which an undisclosed number of parents have accused him of verbal abuse and a former player’s family accused him of racism.”
19. The New Mexican article was published to at least one other person besides Mr. Rodriguez.
20. The New Mexican article is attached as Exhibit 3 and incorporated by reference as if fully set out here.
21. Mr. Rodriguez fully and completely participated in the investigation by the school, including giving an interview of about four hours.
22. Mr. Rodriguez’s teaching and coaching contract, the practices and policies of the St. Michaels High School and the Christian Brothers who oversee it, the core values of the school, and well as the statements of Mr. Coughlan as President of the school, promised Mr. Rodriguez that he would have notice of the allegations against him, an opportunity to respond to those allegations, and the right to be reinstated to his coaching and teaching positions during the contract term if just cause did not support his termination.
23. Upon information and belief, St. Michael’s High School, through its employment contract with Mr. Rodriguez and other faculty, policies, practices, customs, statement of adherence to core values, and statements

and actions toward Mr. Rodriguez and others, created an expectation of continuing employment from year-to-year for faculty.

24. Despite Mr. Rodriguez's full participation in the investigation, and his willingness to engage in correction and professional instruction as a teacher and coach, Mr. Coughlan developed a scheme to let Mr. Rodriguez's coaching and teaching contracts expire without giving him notice of the allegations against him, an opportunity to respond, and a fair decision about whether he had engaged in the ruinous allegations against him. He schemed further to renege on his promises, express or implied, to permit Mr. Rodriguez to clear his name.

25. Mr. Coughlan developed the scheme to advance his personal ambitions, including to deflect criticism from him, to preserve his position as President of St. Michael's High School, and to prevent an already weak employment history from becoming even weaker.

COUNT 1

INVASION OF PRIVACY: FALSE LIGHT AND PUBLICATION OF PRIVATE FACTS

26. All previous allegations are realleged as if fully set out here.

27. The publications as described in this complaint placed Mr. Rodriguez in a false light in the public eye.

28. The publications also revealed private facts, including the alleged basis for an internal investigation of Mr. Rodriguez's conduct that should have remained private by the policies, procedures, customs and practices of St.

Michael's High School and the Christian Brothers organizations that govern the school.

29. These private facts include, but are not limited to, allegations that Mr. Rodriguez had failed to uphold Lasallian core values, including respect for all persons and creating an inclusive community, and had engaged in racial bias and verbal abuse.
30. Mr. Coughlan, through his publications, created unreasonable and highly objectionable publicity that attributed to Mr. Rodriguez characteristics, conduct or beliefs that are false, placing Mr. Rodriguez before the public in a false position.
31. The publications implied falsehoods about Mr. Rodriguez, and he was placed in a false light because the information tended to imply falsehoods.
32. These implied falsehoods include implying that Mr. Rodriguez had engaged in verbal abuse, held a racial bias, did not believe in respect for all people, and did not believe that St. Michael's High School should be an inclusive community.
33. Each of Mr. Coughlan's publications attributed to Mr. Rodriguez's views that are not his own and constituted a major misrepresentation of his character, history, activities, or beliefs.
34. Persons receiving the publications understood them to be defamatory.
35. The actions or publications as described in this complaint were a cause of actual injury to Mr. Rodriguez's reputation.

36. The policies and procedures of the Board of Education of St. Michael's High School, as well as those of entities related to St. Michael's High School, including the LaSallian Education Corporation, as well as the statements and promises of Mr. Coughlan, made the alleged basis for the investigation of Mr. Rodriguez, as a teacher and coach, private facts.
37. Those private facts included anonymous claims by alleged parents that Mr. Rodriguez had betrayed the Lasallian values of the school, was a verbal abuser, or harbored racial bias.
38. Mr. Coughlan published those private facts.
39. The publication was a cause of actual injury to Mr. Rodriguez's reputation.
40. Persons receiving these private facts understood them to be defamatory or damaging to Mr. Rodriguez's reputation.
41. Mr. Rodriguez seeks damages as provided by law for his injuries, including loss of salary; injury to his good name and character, especially among his friends, former colleagues and players, neighbors and acquaintances; injury to his good standing in the community; personal humiliation, and mental anguish and suffering.
42. Mr. Rodriguez seek punitive damages for Mr. Coughlan's willful, wanton, or reckless invasion of his privacy in an amount sufficient to punish Mr. Coughlan for his past conduct and to deter the same conduct in the future.

43. In the alternative, should the punitive damages standard for defamation apply to this claim of invasion of privacy, in whole or in part, Mr. Rodriguez alleges that Mr. Coughlan acted with knowledge of the publications' falsity or with a reckless disregard for whether it was false or not, permitting an award of reasonable punitive damages sufficient to punish Mr. Coughlan and to deter others from the commission of like offenses.

COUNT 2
TORTIOUS INTERFERENCE WITH CONTRACT

44. All previous allegations are realleged as if fully set out here.

45. Mr. Rodriguez had teaching and coaching contracts with St. Michael's High School.

46. The policies and procedures of St. Michael's High School, as well as affiliated Christian Brothers organizations, created an additional implied contract between St. Michael's High School and Mr. Rodriguez.

47. Written and oral representations of Mr. Coughlan as President of St. Michael's High School also created an implied contract between Mr. Rodriguez and St. Michael's High School.

48. Material terms of these contracts include Mr. Rodriguez's right to know the facts alleged against him related to his teaching and coaching, the right to know the contents of the internal investigation in which he participated, the right to respond to those allegations against him at a meaningful time and in a meaningful manner, the right to have his

teaching contract terminated only for just cause, and the right to have just cause determined in a fair and impartial manner.

49. Mr. Coughlan had knowledge of the contracts.

50. Mr. Rodriguez was unable to fulfill the contracts' obligations, and was deprived of their benefits.

51. Mr. Coughlan played an active and substantial part in causing Mr. Rodriguez to lose the benefits of the contracts.

52. The breaches of the contracts were a cause of economic and non-economic damages to Mr. Rodriguez, including loss of continuing employment as a teacher and coach at St. Michael's High School, damages to reputation, and emotional distress.

53. Mr. Coughlan induced the breach without justification or privilege because he acted in bad faith or with the intention of placing his own personal interests ahead of the best interests of St. Michael's High School. His personal interests included, but may not have been limited to, a desire to preserve his own employment as President and a willingness to sacrifice Mr. Rodriguez's coaching and teaching career to that end.

54. Mr. Coughlan's actions were willful, wanton, or reckless, and Mr. Rodriguez should therefore receive an award of punitive damages sufficient to punish Mr. Coughlan and to deter similar actions in the future.

WHEREFORE, Plaintiff respectfully requests that this Court grant him a trial by jury, award judgment against the Defendant and in his favor, award him compensatory damages and punitive damages in amounts to be determined at the time of trial, attorney's fees, costs, pre- and post-judgment interest as permitted by law, and such other and further relief as the Court deems just and proper.

Respectfully submitted,

JONES, SNEAD, WERTHEIM
& CLIFFORD, P.A.
Attorneys for Plaintiff David Rodriguez

By /s/Jerry Todd Wertheim
JERRY TODD WERTHEIM
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Santa Fe, New Mexico 87501
(505) 982-0011
todd@thejonesfirm.com



January 28, 2022

HAND DELIVERED

David Rodriguez
1084 Green Way
Santa Fe, NM 87507

RE: Immediate Administrative Leave with Pay, Pending Investigation

Dear Mr. Rodriguez:

This letter is to inform you that effective immediately, you have been placed on administrative leave with pay pending an investigation of allegations that you violated your employment contracts, school policy, and core principles of our school. You will remain on leave until further notification from my office.

You have been placed on administrative leave with pay due to an NMAA complaint filed by a former student and member of the boys' basketball team alleging racial bias and discrimination. In addition, I have received other complaints from parents concerning your alleged behavior and interactions with student athletes on the boys' basketball team. Likewise, those complaints allege ~~racial bias and discrimination.~~

As you are well aware, St. Michael's High School is guided by five core principles, two of which speak to the issue of racial bias and discrimination:

Inclusive Community – A “united community where diversity is respected, where no one is left out, and where everyone finds a place.”

Respect for All Persons– St. Michael's High School “engages in a concerted effort to respect the dignity of all persons. Respect-filled relationships are at the heart of Lasallian education and are a key expression of the acknowledgement of each other's identity as children of God.”

Under the terms of your teaching and coaching contracts, you agreed to represent St. Michael's High School in a professional manner and avoid any conduct which would reflect poorly upon St. Michael's High School.

An investigation is being conducted of your actions and you will be interviewed by an outside investigator assigned to investigate this matter. You will be notified of the date and time of your interview and your failure to participate will be considered insubordination leading to discipline or termination and may also be considered job abandonment.

During the investigation, you are not permitted to contact any staff members, parents, or students until further notice. Failure to comply with these terms will be considered insubordination leading to discipline or termination.

You are hereby directed to turn in all keys to school facilities, turn in all school property, including any school issued computer, and turn in your school identification card to me immediately.

While you are on administrative leave, you are not to enter the grounds of St. Michael's High School at any time or for any reason without my express written permission. Furthermore, you are not permitted to contact any staff members, parents, or students until further notice. Failure to comply with the terms listed in this letter will be considered insubordination leading to discipline or termination.

Because you are on administrative leave with pay, you must immediately respond to phone calls and messages sent to you during the workday. Upon receipt of a directive by phone conservation or by message to report to St. Michael's High School during the workday, you must report to my office within 30 minutes. Failure to report within 30 minutes will be considered insubordination leading to discipline or termination and may also be considered job abandonment.

If you have any questions regarding this letter or the status of your administrative leave with pay, you may only contact me at (415) 902-6588.

Sincerely,



Tom Coughlan
President

Received 1/28/2022:



David Rodriguez

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An important Update from St. Michael's

St. Michael's High School is rooted in Lasallian core values, among them "respect for all persons," and an "inclusive community." Recently, our administration was contacted by parents who are concerned that our school community may not be fully living up to those values. Some of those concerns relate to alleged incidents within our Varsity Boys Basketball program.

In response, school leadership has initiated an independent investigation and is working with students, faculty and staff to determine the facts. As that process is ongoing, and out of respect for all parties, our Varsity Boys Basketball Coach, David Rodriguez, has been placed on paid administrative leave. In accordance with our designated policies, the current Assistant Varsity Boys Basketball Coach, Gerard Garcia, will assume head coaching duties, and Mr. Rodriguez's teaching responsibilities have been temporarily reassigned.

Thank you for being part of the St. Mike's community.

Tom Coughlan
President

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https://www.santafenewmexican.com/st-michaels-coach-rodriguez-on-leave-during-investigation/article_47d25246-8156-11ec-8bd9-f324933b71e6.html

PREP BOYS BASKETBALL

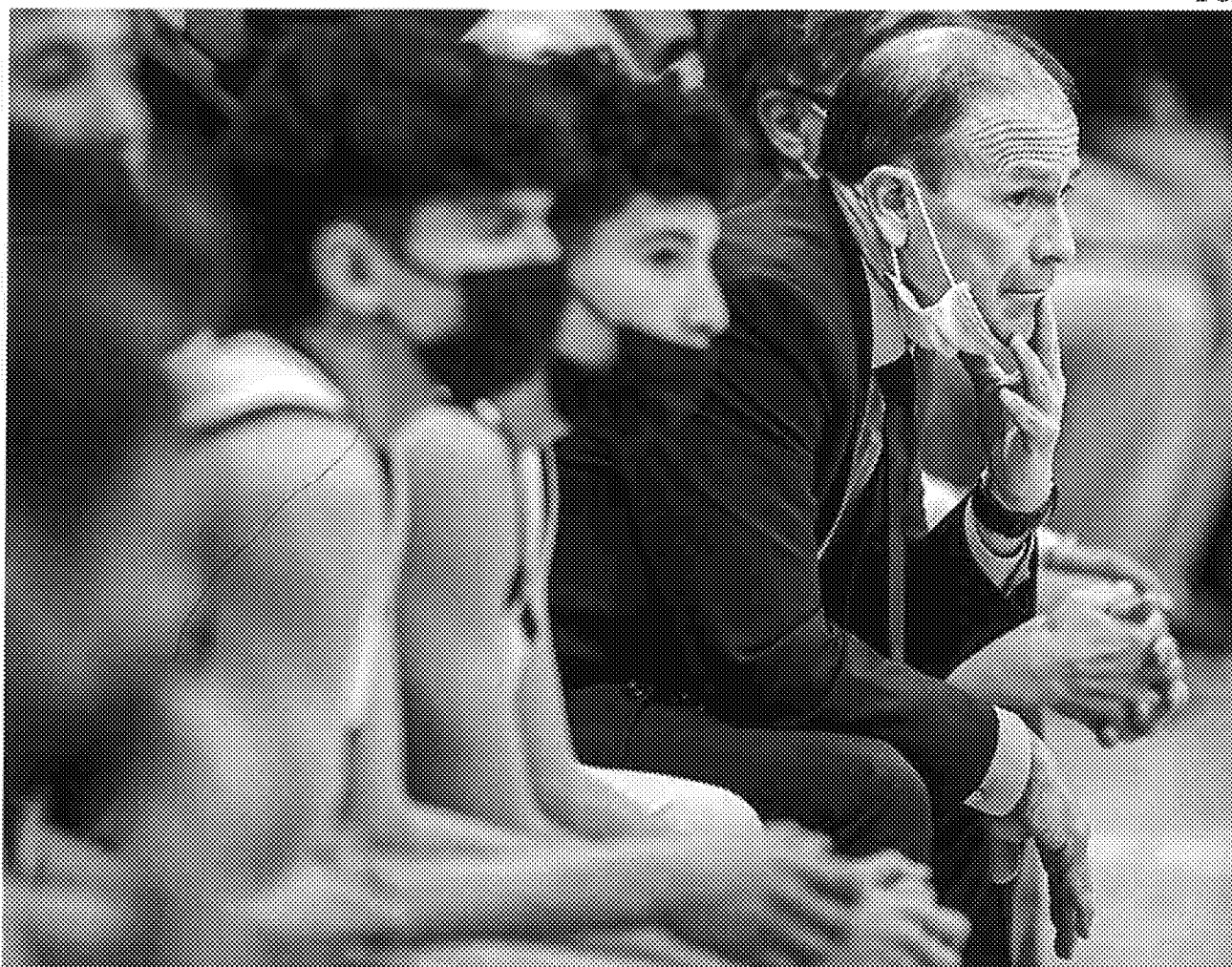
St. Michael's coach Rodriguez on leave during investigation

★ Follow Will Webber

By Will Webber wwebber@sfnewmexican.com

Jan 29, 2022

1 of 3



St. Michael's boys basketball coach David Rodriguez watches Crownpoint in the Horsemen Shootout Tournament on Jan. 7 at St. Michael's. He was put on leave Jan. 28 after being accused of racial bias and verbal abuse. He was later dismissed.

Jim Weber/New Mexican file photo

St. Michael's boys basketball coach David Rodriguez has been placed on administrative leave pending the results of an internal investigation in which an undisclosed number of parents have accused him of verbal abuse and a former player's family accused him of racism.

Rodriguez was informed of the school's decision Friday, but the team's players didn't find out until 90 minutes before tipoff of Saturday's 11 a.m. contest against Robertson at Perez-Shelley Memorial Gymnasium, a game the Horsemen won in overtime, 61-57, after trailing by 18 in the second half.

The players were reportedly told Rodriguez was taking a "leave of absence" by school administrators. When reached for comment, the coach said he could not disclose the details of the investigation but did offer one bit of feedback about the wording of his situation.

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"I am well, I am not sick and I did not take a leave of absence," Rodriguez said. "We'll see what comes next."

St. Michael's president Tom Coughlan did not respond to a phone call but texted a brief statement after Saturday's game: "Yes. I can confirm Coach Rodriguez is on administrative leave."

There is no timetable for the investigation and few details have emerged about the allegations surrounding Rodriguez. Those involved have been instructed not to discuss the matter publicly.

The off-court issues began to surface long before the current season began. Accusations by the family of a former player suggest Rodriguez may have been racially insensitive in his treatment of that player. That player has since transferred to another school.

Rodriguez was unable to comment on the matter.

A separate issue arose when Rodriguez was purportedly shown on video being verbally abusive to players during games. The footage, which Rodriguez said he has not seen, was reportedly sent to school administrators. One source said it was also delivered to the state's governing body for high school athletics, the New Mexico Activities Association.

It was recorded by a parent sitting behind the team bench, but details of what's on there have not been discussed publicly.

NMAA associate director Dusty Young said his organization is not actually involved in the investigation and has not been given any video. All matters, he said, are being handled internally by the school.

It's been a rough season for St. Michael's. A program steeped in tradition with 11 state championships and dozens of district titles, the Horsemen got off to an 0-10 start for what is believed to be the first time in school history. The Horsemen were also beaten earlier this month by crosstown rival Santa Fe Prep for the first time ever.

Following Saturday's win, they are 4-12 overall and 2-2 in District 2-3A. Longtime assistant Gerard Garcia will be the team's interim coach until the school determines Rodriguez's fate.

Garcia said the players "were down" after learning of their coach's absence in a closed-door meeting Saturday morning. Many, Garcia said, were caught completely off guard by the situation.

The school has instructed Rodriguez to avoid making contact with his assistant coaches and players until the investigation is complete.

Robertson appeared to be on its way to a blowout win during Saturday's game, building a commanding 40-22 lead late in the third quarter when Horsemen guard Derek Martinez drew two technical fouls and was ejected. Garcia said the players showed their resiliency in mounting a rally, one that saw the Horsemen go on a 28-6 tear to take the lead on a three-point play by Devin Flores in the final four minutes of regulation.

"We were down six at halftime, and I saw a pissed-off look in their faces," Garcia said. "There were two ways this was going to go down. Either we were going to win this thing or, you know, it's not going to happen and we'll lose big."

Saturday's win notwithstanding, it's been a long season for St. Michael's. It started with a preseason injury to starting big man Lucas Coriz and continued with a number of other key injuries and off-court issues ranging from grades to illness and bouts with COVID-19.

The team didn't get its first win until the first week of January and is in jeopardy of missing the state tournament for the first time in more than two decades.

Rodriguez is one of the most familiar faces in Santa Fe athletics. The son of legendary coach Bobby Rodriguez, he's a 1979 graduate of Santa Fe High and later coached the Demons from 1992 to 2002 and again for a six-year span that ended in 2016.

He joined the St. Michael's as a teacher and assistant basketball shortly thereafter, getting promoted to varsity head coach in 2017 after Ron Geyer announced his retirement. Rodriguez has led the Horsemen to four straight playoff appearances, earning the No. 1 overall seed in Class 3A in 2019.

Starting with Geyer's last two seasons, however, the program is 90-81 since the 2015-16 campaign; 64-51 under Rodriguez.

He has 233-295 with seven trips to the state tournament during his time with both schools.

The Horsemen play each of their next two games on the road before hosting Sandia Prep in a makeup game next weekend at Perez-Shelley Gym.

Will Webber

FILED 1st JUDICIAL DISTRICT COURT
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Monica Chavez Crespin

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT

DAVID RODRIGUEZ,

Plaintiff,

vs.

No. D-101-CV-2025-00227

THOMAS COUGHLAN, Individually and
in his capacity as President of St. Michael's High School,

Defendants.

JURY DEMAND

Plaintiff, by and through his attorneys, Jones, Snead, Wertheim & Clifford,
P.A., demands a jury of six (6) and deposits one hundred fifty dollars (\$150.00) with
the Court.

Respectfully submitted,

JONES, SNEAD, WERTHEIM
& CLIFFORD, P.A.
Attorneys for Plaintiff David Rodriguez

By /s/Jerry Todd Wertheim
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SUMMONS

District Court: FIRST JUDICIAL Santa Fe County, New Mexico Court Address: Post Office Box 2268 / 225 Montezuma Ave. Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2025-00227 Assigned Judge: Maria Sanchez-Gagne
Plaintiff(s): David Rodriguez v. Defendant(s): Thomas Coughlan, Individually and in his capacity as President of St. Michael's High School	Defendant Name: Thomas Coughlan Address:

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 28th day of January, 2025.

KATHLEEN VIGIL
CLERK OF DISTRICT COURT

By: maria rosales
Deputy



/s/Jerry Todd Wertheim

Signature of Attorney for Plaintiff/Pro Se Party

Name: Jerry Todd Wertheim, Esq.

Address: Jones, Snead, Wertheim & Clifford, PA

141 E. Palace Ave., Suite 220

Santa Fe, New Mexico 87501

Telephone No.: (505) 982-0011

Fax No.: (505) 989-6288

Email Address: todd@thejonesfirm.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN¹

STATE OF NEW MEXICO)
)ss
COUNTY OF _____)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, _____, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

☐ to the defendant _____ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at _____ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

☐ to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at _____ (*insert defendant's last known mailing address*).

☐ to _____, an agent authorized to receive service of process for defendant _____.

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ (*used when defendant is a minor or an incompetent person*).

[] to _____ (name of person), _____, (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: _____

Signature of person making service

Title (if any)

Subscribed and sworn to before me this _____ day of _____, _____²

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.

2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]

ATTORNEY OR FUGITIVE SECOND (Name, State, and address) JONES, SNEAD, WERTHEIM & CLIFFORD, P.A. 141 E. PALACE AVENUE STE 220 SANTA FE NM 97501		FOR COURT USE ONLY CASE NO. 25-cv-00261-JB-JFR Document 5-1 Filed 03/25/25 Page 25 of 36
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): DAVID RODRIGUEZ		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: UNKNOWN CA MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: RODRIGUEZ DEFENDANT/RESPONDENT: COUGHLAN		CASE NUMBER: D101CV202500227
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.: 25062658

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - f. ☒ other (specify documents): SUMMONS, COMPLAINT FOR INVASION OF PRIVACY AND TORTIOUS INTERFERENCE WITH CONTRACT, JURY DEMAND
3. a. Party served: **THOMAS COUGHLAN**
 - b. ☐ Person (other than the party in item 3a) served on behalf of the entity or as an authorized agent (and not a person under item 5b on whom substituted service was made)(specify name and relationship to the party named in item 3a):
4. Address where the party was served: LASALLIAN CHRISTIAN BROTHERS FOUNDATION 4401 REDWOOD ROAD NAPA CA 94558
5. I served the party
 - a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on 02/10/2025 (2) at 1:15 pm
 - b. ☐ **by substituted service.** On: at: I left the documents listed in item 2 with or in the presence of:
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on.
 ☐ a declaration of mailing is attached.
 - c. ☐ **by mail and acknowledgement of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
 - (1) on (date): (2) from (city):
 - (3) ☐ with two copies of the *Notice and Acknowledgement of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgement of Receipt*) (Code Civ. Proc., § 415.30.)
 - (4) ☐ to an address outside California with return receipt requested (Code Civ. Proc., § 415.40.)
 - d. ☐ **by other means.** Method On: at:

6. The "Notice of Person Served" on this summons was completed as follows:

- a. ☐ as an individual defendant
- b. ☐ as the person sued under the fictitious name of:
- c. ☐ as occupant
- d. ☐ On behalf of:
under the following Code of Civil Procedure section:
 - ☐ 416.10 (corporation)
 - ☐ 416.20 (defunct corporation)
 - ☐ 416.30 (joint stock company/association)
 - ☐ 416.40 (association or partnership)
 - ☐ 416.50 (public entity)
 - ☐ 415.95 (business organization, form unknown)
 - ☐ 416.60 (minor)
 - ☐ 416.70 (ward or conservatee)
 - ☐ 416.90 (authorized person)
 - ☐ 415.46 (occupant)
 - ☐ Other:

7. **Person who served papers**

- a. Name: DEPUTY C. CUMMINS
- b. Address: 1535 Airport Blvd. Napa, CA 94558
- c. Telephone number: 707-253-4325
- d. The fee for service was: \$ 50.00
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☒ exempt from registration under Business and Professional Code section 22350(b).
- (3) ☐ a registered California process server:
 - (i) ☐ owner ☐ employee ☐ independent contractor.
 - (ii) Registration No.:
 - (iii) County:

8. ☐ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
or

9. ☒ I am a California sheriff or marshall and I certify that the foregoing is true and correct.

Monday, February 10, 2025

Oscar Ortiz, Sheriff
County of Napa

By: CARISTIE CUMMINS #445
Sheriff's Authorized Agent

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Napa

On 2/11/25, before me Hannah Irene Costanzo, Notary Public
(insert name and title of the officer)

personally appeared Christie Cummins,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY of PERJURY under the laws of the state of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature] (Seal)

FILED 1st JUDICIAL DISTRICT COURT
Santa Fe County
3/12/2025 5:17 PM
KATHLEEN VIGIL CLERK OF THE COURT
Jacqueline Rosales Juarez

**STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT**

DAVID RODRIGUEZ,

Plaintiff,

v.

No.: D-101-CV-2025-00227
Hon.: Maria Sanchez-Gagne

THOMAS COUGHLAN, Individually and
in his capacity as President of St. Michael's High School,

Defendants.

ENTRY OF APPEARANCE

COMES NOW the law firm of STIFF, GARCIA & ASSOCIATES, LLC and hereby
enters its appearance for and on behalf of Defendants THOMAS COUGHLAN,
Individually and in his capacity as President of St. Michael's High School.

Respectfully submitted,

STIFF, GARCIA & ASSOCIATES, LLC

By /s/ John S. Stiff, Sr., Esq.
John S. Stiff, Sr., Esq.
500 Marquette Ave NW, Ste. 1400
Albuquerque, NM 87102-5312
Phone: 505-243-5755
Email: jstiff@stiffllaw.com
Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of March 2025, the foregoing was
electronically filed through the Odyssey File & Serve system, which caused the
following parties or counsel to be served by electronic means, as more fully reflected on
the Notice of Electronic Filing:

Jerry Todd Wertheim, Esq.
JONES, SNEAD, WERTHEIM & CLIFFORD, P.A
141 e. Palace Ave., Suite 220

Santa Fe, NM 87501
Phone: (505) 982-0011
E-Mail: todd@thejonesfirm.com
Attorneys for Plaintiff

/s/ John S. Stiff, Sr., Esq.

John S. Stiff, Sr., Esq.

FILED 1st JUDICIAL DISTRICT COURT
Santa Fe County
3/12/2025 5:17 PM
KATHLEEN VIGIL CLERK OF THE COURT
Jacqueline Rosales Juarez

**STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT**

DAVID RODRIGUEZ,

Plaintiff,

v.

No.: D-101-CV-2025-00227
Hon.: Maria Sanchez-Gagne

THOMAS COUGHLAN, Individually and
in his capacity as President of St. Michael's High School,

Defendants.

**NOTICE OF FILING OF NOTICE OF REMOVAL
BY DEFENDANTS TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT
OF NEW MEXICO**

COMES NOW the Defendant, by and through their counsel of record, STIFF, GARCIA & ASSOCIATES, LLC (John S. Stiff, Sr., Esq.) and hereby gives this Court and all parties of record notice that on March 12, 2025, a Notice of Removal of the above-captioned civil action was filed in the United States District Court for the District of New Mexico. A true and correct copy of the Notice of Removal (exhibits omitted) is attached hereto as **EXHIBIT A**.

Respectfully submitted,

STIFF, GARCIA & ASSOCIATES, LLC

By /s/ John S. Stiff, Sr., Esq.

John S. Stiff, Sr., Esq.
500 Marquette Ave. NW, Suite 1400
Albuquerque, New Mexico 87102-3274
Phone: (505) 243-5755
E-Mail: kblack@stiffllaw.com
jstiff@stiffllaw.com

Attorney for Defendants

I HEREBY CERTIFY that on the 12th day of March, 2025, the foregoing was electronically filed through the Odyssey File & Serve system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Jerry Todd Wertheim, Esq.
JONES, SNEAD, WERTHEIM & CLIFFORD, P.A
141 e. Palace Ave., Suite 220
Santa Fe, NM 87501
Phone: (505) 982-0011
E-Mail: todd@thejonesfirm.com
Attorneys for Plaintiff

/s/ John S. Stiff, Sr., Esq.
John S. Stiff, Sr., Esq.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVID RODRIGUEZ,

Plaintiff,

v.

No.:

THOMAS COUGHLAN, Individually and
in his capacity as President of St. Michael's High School,

Defendants.

NOTICE OF REMOVAL

COMES NOW, Defendant THOMAS COUGHLAN, Individually and in his capacity as President of St. Michael's High School, by and through his counsel of record, STIFF, GARCIA & ASSOCIATES, LLC (John S. Stiff, Sr., Esq.), and hereby files this Notice of Removal pursuant to 28 U.S. C. §§ 1332, 1441 and 1446, and in support thereof, state as follows.

1. Plaintiff David Rodriguez filed his Complaint for Invasion of Privacy and Tortious Interference with Contract ("Complaint") in the First Judicial District Court, County of Santa Fe, State of New Mexico, in Cause No. D-101-CV-2025-00227 on January 24, 2025. *See* Plaintiff's Complaint, hereto attached as **Exhibit A**.
2. On February 10, 2025, Defendant Thomas Coughlan, was served with the Plaintiff's Complaint and Jury Demand, in Napa, California. The Defendant is removing this matter within thirty (30) days of acceptance of service of the complaint, and therefore this Notice of Removal is timely filed, pursuant to 28 U.S.C. § 1446 and Fed. R. Civ. P. 6(a).

3. In his Complaint, Plaintiff states he is a resident of Santa Fe County, New Mexico. **Exhibit A**, Plaintiff's Complaint, ¶ 1. Upon information and belief, Plaintiff is a citizen of New Mexico.
4. Defendant is a resident of Sonoma, California. **Exhibit B**; California Identification Card. Defendant is a citizen of the State of California.
5. Diversity of citizenship is therefore present in this matter as set forth in 28 U.S.C. § 1332(a) and 28 U.S.C. § 1441(b)(2).
6. Plaintiff alleges that he sustained economic- and non-economic damages as the result of the incident which occurred on January 28, 2022. *See generally*, **Exhibit A**.
7. Plaintiff seeks compensatory and punitive damages for loss of income and income opportunity, including loss of continuing employment as a teacher and coach at St. Michael's High School, "all to Plaintiff's great loss in an amount to be proven at trial." **Exhibit A**, Damages.
8. Consistent with the Rules of Civil Procedure for the State of New Mexico, Plaintiff's Complaint does not allege a specific dollar amount for damages sought in this civil action. *See* Rule 1-008 (A)(3) NMRA.
9. While Plaintiff has not alleged a specific total amount of damages, the relief sought and the nature of the claims in Plaintiff's Complaint demonstrate that Plaintiff likely seeks damages exceeding \$75,000.00. **Exhibit A**, Damages.
10. Pursuant to 28 U.S.C. § 1446(c)(2), the notice of removal "may assert the amount in controversy if the initial pleading seeks a money judgment, but the State practice either does not permit demand for a specific sum or permits recovery of damages in excess of the amount demanded," and the district court finds, by the preponderance of the evidence,

that the amount in controversy exceeds \$75,000. *See Varela v. Wal-Mart Stores, East, Inc.*, 86 F.Supp.2d 1109, 1111 (D.N.M. 2000) (When the amount in controversy, as here, is not apparent on the face of the complaint, the amount can be ascertained by considering (1) the Plaintiff's cause of action as alleged in the complaint, (2) the notice of removal defendant filed with the federal court, and (3) any other relevant materials in the record.).

11. To confer subject matter jurisdiction on this Court based on diversity of citizenship, the amount in controversy must exceed the sum or value of \$75,000.00, exclusive of interest and cost. 28 U.S.C. § 1332(a). Where a complaint does not contain dispositive allegations of the amount in controversy, a defendant seeking federal-court adjudication, must only file a notice of removal "containing a short and plain statement of the grounds for removal." *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S.Ct. 547, 553 (2014) citing § 1446(a). The defendant's amount-in-controversy allegation should be accepted when not contested by the plaintiff or questioned by the court. *Id.*
12. Venue is proper in this Court, pursuant to 28 U.S.C. § 1441(b), because the State Court action is pending in New Mexico and the event giving rise to the State Court action occurred in New Mexico.
13. This Court has jurisdiction over the parties in this case pursuant to 28 U.S. C. §§ 1331, 1441, and 1446.
14. The Defendant, as required by 28 U.S.C. § 1446(d), will promptly file a copy of this notice of removal with the clerk of the State District Court where the action is pending, and give written notice to Plaintiff on this date.

15. The Defendant is filing a Notice of Filing of Notice of Removal in the state court action, a copy of which is attached to this Notice as **Exhibit C**. This Notice of Filing Notice of Removal is being filed concurrently with this Notice in the First Judicial District, Santa Fe County, State of New Mexico, pursuant to 28 U.S.C. § 1446(d).
16. The Defendant filing an Entry of Appearance in the state court action on this date, a copy of which is attached to this Notice as **Exhibit D**.
17. The Defendants will submit a certified copy of the State Court record within 28 days of filing this Notice of Removal, pursuant to D.N.M. LR-CIV 81.1(a).
18. A Civil Cover Sheet for this matter is attached hereto as **Exhibit E**.
19. This Notice of Removal is signed pursuant to the Federal Rules of Civil Procedure.

WHEREFORE, Defendant THOMAS COUGHLAN, respectfully requests that the state court action, now pending in the First Judicial District Court, County of Santa Fe, State of New Mexico, bearing Cause No. D-101-CV-2025-00227, be removed to the U.S. District Court for the District of New Mexico, and requests that this Court make and enter such further orders as may be necessary and proper.

Respectfully submitted,

STIFF, GARCIA & ASSOCIATES, LLC

By /s/ John S. Stiff
John S. Stiff, Esq.
500 Marquette Ave. NW, Suite 1400
Albuquerque, New Mexico 87102-3274
Phone: (505) 243-5755
E-Mail: jstiff@stiffllaw.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 12th of March 2025, the foregoing was electronically filed through the PACER File & Serve system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Jerry Todd Wertheim, Esq.
JONES, SNEAD, WERTHEIM & CLIFFORD, P.A
141 e. Palace Ave., Suite 220
Santa Fe, NM 87501
Phone: (505) 982-0011
E-Mail: todd@thejonesfirm.com
Attorneys for Plaintiff

/s/ John S. Stiff
John S. Stiff, Esq.

REGISTER OF ACTIONS

CASE NO. D-101-CV-2025-00227

David Rodriguez v. Thomas Coughlan

§
§
§
§
§
§

Case Type: Miscellaneous Civil
Date Filed: 01/24/2025
Location:
Judicial Officer: Sanchez-Gagne, Maria

PARTY INFORMATION		
Defendant	Coughlan, Thomas	Attorneys John S. Stiff Retained 505-243-5755(W)
Plaintiff	Rodriguez, David	Jerry Todd Wertheim Retained (505) 982-0011(W)

EVENTS & ORDERS OF THE COURT		
OTHER EVENTS AND HEARINGS		
01/24/2025	Cause Of Actions	Miscellaneous (Count I: Invasion of Privacy False Light and Publication of Private Facts)
	Action Type	Action
01/24/2025	Cause Of Actions	Breach of Contract (Count II: Tortious Interference with Contract)
	Action Type	Action
01/24/2025	OPN: COMPLAINT	
	Complaint for Invasion of Privacy and Tortious Interference With Contract	
01/24/2025	JURY DEMAND 6 PERSON	
	Jury Demand - 6 Person	
01/28/2025	Summons	
	Coughlan, Thomas	Served 02/10/2025
		Response Due 03/12/2025
		Returned 02/18/2025
02/18/2025	SUMMONS RETURN	
	Summons with Return of Service Thomas Coughlan Served 02/10/2025	
03/12/2025	ENTRY OF APPEARANCE	
	Entry of Appearance	
03/12/2025	NTC: NOTICE	
	Notice of Filing of Removal by Defendant to The United States District Court for the District of New Mexico	

FINANCIAL INFORMATION		
	Plaintiff Rodriguez, David	
	Total Financial Assessment	282.00
	Total Payments and Credits	282.00
	Balance Due as of 03/25/2025	0.00
01/24/2025	Transaction Assessment	282.00
01/24/2025	File & Serve Payment	(282.00)
	Receipt # SFED-2025-533	Rodriguez, David

